

### COMMUNITY DEVELOPMENT DEPARTMENT

45175 Ten Mile Road Novi, MI 48375 (248) 347-0415 Phone (248) 735-5600 Facsimile www.cityofnovi.org

# ZONING BOARD OF APPEALS STAFF REPORT

FOR: City of Novi Zoning Board of Appeals ZONING BOARD APPEALS DATE: March 13, 2018

REGARDING: 27250 Wixom Rd, Parcel # 50-22-17-101-024 (PZ18-0001)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

### **Applicant**

Mamnoon Siddiqui/Siddiqui Orthodontics

#### Variance Type

Dimensional Variance

### **Property Characteristics**

Zoning District: Light Industrial

Location: East of Wixom Road and South of Grand River Avenue

Parcel #: 50-22-17-101-024

#### Request

The applicant is requesting variances from the City of Novi Zoning Ordinance Section 5.4 to eliminate the requirement for a loading and unloading zone. Loading zone is required by code. This property is zoned Light Industrial (I-1).

### **II. STAFF COMMENTS:**

Reduction of parking spaces for loading zone would impact business.

### III. RECOMMENDATION:

The Zoning Board of Appeals may take one of the following actions:

1.	I	move	that	we	<u>grant</u>	the	variance	in	Case	No.	PZ18-000	<b>01</b> , sc	ught	by for
											ner has	shown	prac	
	dif	ficulty re	equiring	J							·			
	(a) Without the variance Petitioner will be unreasonably prevented or limited with respect to use of the property because										oect			
		(b) The	e prope	erty is u	ınique b	ecaus	se				·			
		(c) Pe	titioner	did no	ot create	the c	condition be	caus	e					

	(d)				nted wi ause									or surr	ounc	ding
	(e)	The	relief		consiste			•				the	ordinaı —	nce I	beca	ause
	(f)	The	varian	ce gr	anted is	s subjec	ct to:						·			
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2. I	mo	ve			<u>deny</u>				in	Case	No.	PZ1	8-0001,	sou	ght	by
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	(b)				ces and				•		_		variand — —·	e req	uest	
	(c)			_	ırant reli finaı								ability to state		_	gher that
	(d)				ould res					he adj	acent	ands	surrounc	ling p	rope	rties
	(e)		_		ariance						-	and in	itent of	the or	dina	nce

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0417.

Larry Butler Deputy Director Community Development City of Novi



45175 Ten Mile Road Novi, MI 48375 (248) 347-0415 Phone (248) 735-5600 Facsimile www.cityofnovi.org

## **ZONING BOARD OF APPEALS APPLICATION**

RECEIVED

JAN 24 2018

CITY OF NOVI

# APPLICATION MUST BE FILLED OUT COMPLETELY COMMUNITY DEVELOPMENT

I. PROPERTY INFORMATION (Add	Application Fee: \$300.00						
PROJECT NAME / SUBDIVISION Siddiqui Orthodontics				2113118			
ADDRESS		LOT/SIUTE/SPACE #	Meeting Date:	0/10/10			
27250 Wixom Rd			ZBA Case #: PZ_	8-0001			
SIDWELL # 50-22-17 - 101 - 024		obtain from Assessing ent (248) 347-0485	ZBA Case #. FZ_T	7 0001			
CROSS ROADS OF PROPERTY Grand River and Wixom Rd.							
IS THE PROPERTY WITHIN A HOMEOWNER'S ASS	SOCIATION JURISDICTION?						
☐ YES 🗹 NO			OMMERCIAL   VACANT PI	roperty 🗆 signage			
DOES YOUR APPEAL RESULT FROM A NO	TICE OF VIOLATION OR	CITATION ISSUED?	YES NO				
II. APPLICANT INFORMATION	EMAIL ADDRESS		OSH BUONENO				
A. APPLICANT	mamnoons@hotmail.c	com	CELL PHONE NO. 734 516 7857				
NAME	- <u> </u>		TELEPHONE NO.				
Mamnoon Siddiqui ORGANIZATION/COMPANY			313 565 0880				
Siddiqui Properties LLC			FAX NO. 313 565 2305				
ADDRESS		CITY	STATE	ZIP CODE			
2211 Monroe St		Dearborn Mi	Mi	48124			
		O THE PROPERTY OWNER					
Identify the person or organization that owns the subject property:	EMAIL ADDRESS		CELL PHONE NO.				
NAME	1		TELEPHONE NO.				
ORGANIZATION/COMPANY			FAX NO.				
ADDRESS		CITY	STATE	ZIP CODE			
III JONING INFORMATION							
III. ZONING INFORMATION  A. ZONING DISTRICT	8111 1 10 11 11						
□ R-A □ R-1 □ R-2	□ R-3 □ R-4	□ RM-1 □ RM-2	□мн				
□ l-1 □ l-2 □ RC			□ 14/1 I				
B. VARIANCE REQUESTED		LI OTHER 20					
INDICATE ORDINANCE SECTION (S) AND	VARIANCE REQUESTED	:					
E A	Variance requested	for not providing a loa	ading zone				
	Variance requested			=======================================			
3. Section	·						
4. Section	·						
IV. FEES AND DRAWNINGS	A COLUMN TO SERVICE	V - 3 - 2 - 3 - 3 - 3 - 3 - 3 - 3 - 3 - 3		30 X 1 3 S J 11 15 - 11			
A. FEES							
☐ Single Family Residential (Existing	g) \$200 🗆 (With Viole	ation) \$250 🗌 Single Fo	amily Residential (New) \$	\$250			
✓ Multiple/Commercial/Industrial	\$300 🗆 (With Viole	ation) \$400 🗆 Signs \$3	800 🗆 (With Violation) S	\$400			
☐ House Moves \$300		eetings (At discretion of	,				
-	ITAL COPY SUBMITTED		το στα ή φοσο				
Dimensioned Drawings and Plans		<ul> <li>Existing &amp; propose</li> </ul>	sed distance to adjacer				
Site/Plot Plan     Evirting or proposed buildings or a	addition or the second	Location of exist	ing & proposed signs, if	applicable			
<ul> <li>Existing or proposed buildings or addition on the property</li> <li>Number &amp; location of all on-site parking, if applicable</li> <li>Any other information relevant to the Variance application</li> </ul>							



## **ZONING BOARD OF APPEALS APPLICATION**

V. VARIANCE					
A. VARIANCE (S) REQUESTED					
☐ DIMENSIONAL ☐ USE ☐ SIGN					
There is a five-(5) hold period before work/action can be taken on variance approvals.					
8. SIGN CASES (ONLY) Your signature on this application indicates that you agree to install a Mock-Up Sign ten-(10) days before the schedule ZBA meeting, Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next schedule ZBA meeting, or cancelled. A mock-up sign is NOT to be actual sign. Upon approval, the mock-up sign must be removed within five-(5) days of the meeting. If the case is denied, the applicant is responsible for all costs involved in the removal of the mock-up or actual sign (if erected under violation) within five-(5) days of the meeting.					
C. ORDINANCE					
City of Novi Ordinance, Section 3107 – Miscellaneous					
No order of the Board permitting the erection of a bullding shall be valid for a period longer than one-(1) year, unless a bullding permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.					
No order of the Board permitting a use of a building or premises shall be valid for a period longer than one-hundred and elghty-(180) days unless such use is establish within such a period; provided, however, where such use permitted is dependent upon the erection or alteration or a building such order shall continue in force and effect if a building permit for such erection or alteration is obtained within one-(1) year and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.					
D. APPEAL THE DETERMINATION OF THE BUILDING OFFICIAL					
PLEASE TAKE NOTICE:					
The undersigned hereby appeals the determination of the Building Official / Inspector or Ordinance made					
CONSTRUCT NEW HOME/BUILDING 🔲 ADDITION TO EXISTING HOME/BUILDING 🗔 SIGNAGE					
☐ ACCESSORY BUILDING ☐ USE ☐ OTHER section 5.4 loading zone					
VI. APPLICANT & PROPERTY SIGNATURES					
A. APPLICANT    22/18  Applicant Signature  Date					
Mr 8 2 2 18					
Applicant signature  B. PROPERTY OWNER  If the applicant is not the owner, the property owner must read and sign below:  The undersigned affirms and acknowledges that he, she or they are the owner(s) of the property described in this					
B. PROPERTY OWNER  If the applicant is not the owner, the property owner must read and sign below:  The undersigned affirms and acknowledges that he, she or they are the owner(s) of the property described in this application, and is/are aware of the contents of this application and related enclosures.  Property Owner Signature  Date					
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January 22, 2018

**Zoning Board of Appeals** 

**Community Development Department** 

45175 Ten Mile Road

Novi, MI 48375

To the committee members of the Zoning Board of Appeals,

I am writing this letter in support of the Application to the Zoning Board of Appeals requesting a variance for not being able to provide a Loading/Unloading Zone in the improvements being made on the property located at 27250 Wixom Rd. Novi, MI 48374.

The facility will be occupied by two small business. One of them is in the dental practice of the specialty of Orthodontics (Siddiqui Orthodontics, PC) and they will be occupying a smaller part of the improved facility (the addition). The larger part of the facility (existing building which was the old Huntington Bank) will be occupied by a Medical office. Neither businesses will be having any large truck deliveries which would require a dedicated Loading/Unloading zone. Both businesses usually have small truck deliveries like the FedEx or UPS deliveries which make quick stops for deliveries and pickup.

Providing a Loading/Unloading zone on this site will be an undue burden to our businesses as it will most likely have to come at the expense of reduced parking spaces. We would like to keep the number of parking spaces provided in the proposed improvements.

We ask the Zoning Board of Appeals to please consider granting this request for variance. We appreciate your thoughtful consideration.

- Ille Drs. Ms

Thank you,

Sincerely,

Dr. Mamnoon A. Siddiqui

Siddiqui Properties, LLC



### **Community Development Department**

45175 Ten Mile Road Novi, MI 48375 (248) 347-0415 Phone (248) 735-5600 Facsimile www.cityofnovi.org

# REVIEW STANDARDS DIMENSIONAL VARIANCE

The Zoning Board of Appeals (ZBA) will review the application package and determine if the proposed Dimensional Variance meets the required standards for approval. In the space below, and on additional paper if necessary, explain how the proposed project meets each of the following standards. (Increased costs associated with complying with the Zoning Ordinance will not be considered a basis for granting a Dimensional Variance.)

# Standard #1. Circumstances or Physical Conditions.

Explain the circumstances or physical conditions that apply to the property that do not apply generally to other properties in the same zoning district or in the general vicinity. Circumstances or physical conditions may include:

a.	Shape of Lot. Exceptional narrowness, shallowness or shape of a specific property in existence on the effective date of the Zoning Ordinance or amendment.  Not Applicable  Applicable  If applicable, describe below:  Due to the existing site changing use from a bank to a medical facility, the loading zone size of 75'-0" x 10'-0" will create hardship for this site.
	and/or
	Environmental Conditions. Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure.  Not Applicable
	and/or
	Abulting Property. The use or development of the property immediately adjacent to the subject property would prohibit the literal enforcement of the requirements of the Zoning Ordinance or would involve significant practical difficulties.  Not Applicable

### Standard #2. Not Self-Created.

Describe the immediate practical difficulty causing the need for the Dimensional Variance, that the need for the requested variance is not the result of actions of the property owner or previous property owners (i.e., is not self-created).

We have an existing site that formerly was a bank and now changing the use to Medical. The code requires a loading zone size of 75'-0" x 10'-0". This will create a hardship on the site size, especially Medical, that has no use for a loading zone area.

# Standard #3. Strict Compliance.

Explain how the Dimensional Variance in strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

The new use is Medical (Orthodontic and Dental) and will not require a loading zone area, especially this size (75'-0" x 10'x0"). The maximum area needed is for a van that can use regular parking.

# Standard #4. Minimum Variance Necessary.

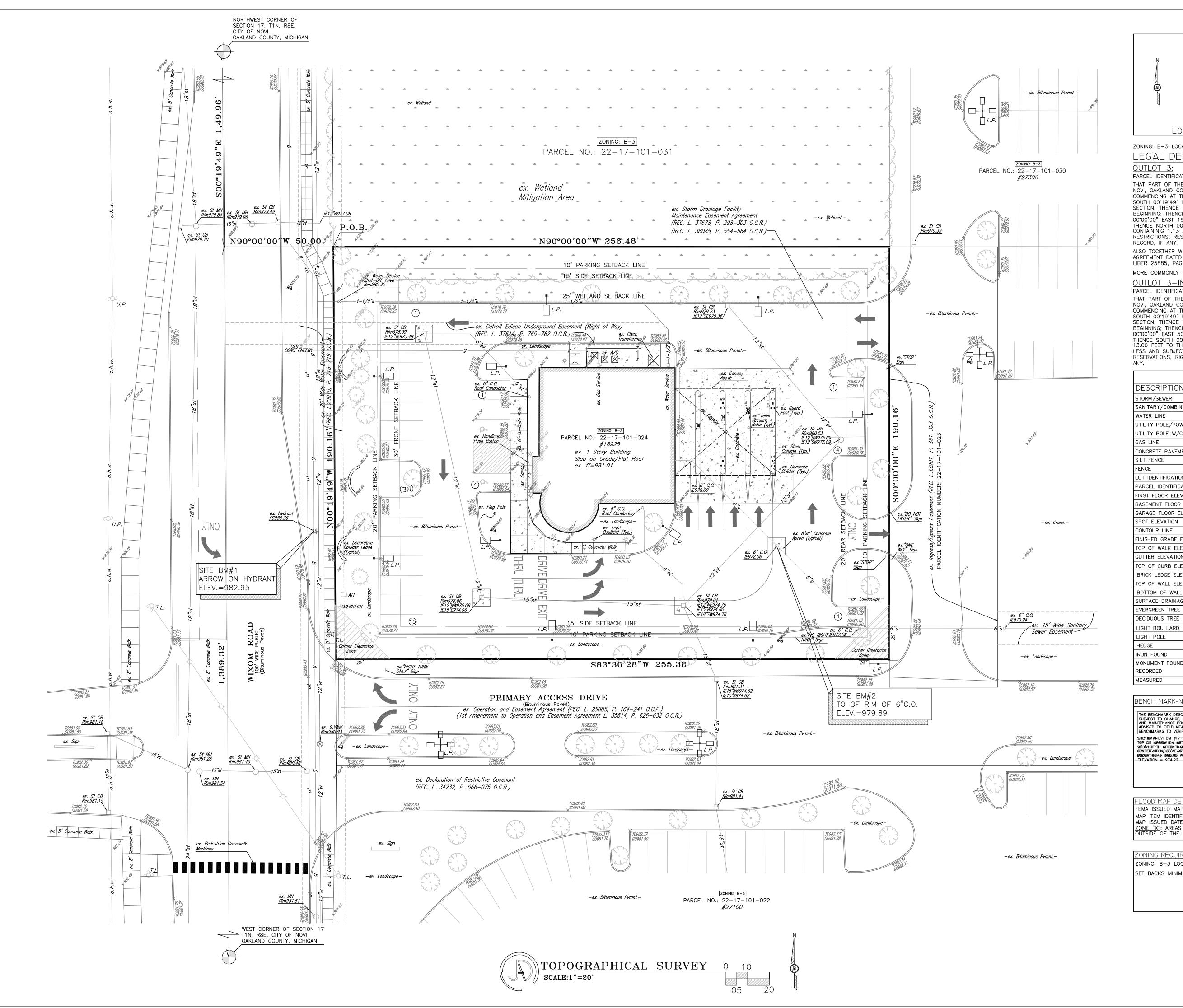
Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

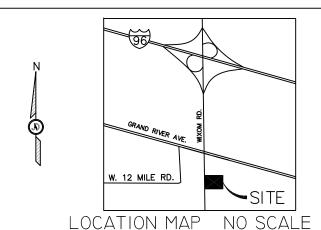
As a Orthodontic and Dental office, a loading area is not required (75'-0" x 10'-0").

# Standard #5. Adverse Impact on Surrounding Area.

Explain how the Dimensional Variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

There is no adverse impact on the surrounding area.





ZONING: B-3 LOCAL BUSINESS LEGAL DESCRIPTION:

PARCEL IDENTIFICATION NUMBER: 22-17-101-024 THAT PART OF THE NORTHWEST 1/4 OF SECTION 17, T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 17, THENCE SOUTH 00'19'49" EAST 1,249.96 FEET ALONG THE WEST LINE OF SAID SECTION, THENCE NORTH 90'00'00" EAST 50.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 90°00'00" EAST 256.48 FEET; THENCE SOUTH 00'00'00" EAST 190.16 FEET; THENCE SOUTH 90'00'00" WEST 255.38 FEET; THENCE NORTH 00'19'49" WEST 190.16 FEET TO THE POINT OF BEGINNING. CONTAINING 1.13 ACRES MORE OR LESS, SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, RIGHTS OF WAY, LEASES AND AGREEMENT OF

ALSO TOGETHER WITH APPURTENANT RIGHTS IN OPERATION AND EASEMENT AGREEMENT DATED APRIL 19, 2002 AND RECORDED JUNE 13, 2002 IN LIBER 25885, PAGE 164, OAKLAND COUNTY RECORDS.

MORE COMMONLY KNOWN AS: 27250 WIXOM ROAD, NOVI, MICHIGAN.

PARCEL IDENTIFICATION NUMBER: 22-17-101-023 THAT PART OF THE NORTHWEST 1/4 OF SECTION 17, T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 17, THENCE SOUTH 00°19'49" EAST 1,440.12 FEET ALONG THE WEST LINE OF SAID SECTION, THENCE NORTH 90°00'00" EAST 305.38 FEET TO THE POINT OF BEGINNING: THENCE NORTH 00°00'00" WEST 190.16 FEET: THENCE NORTH 00°00'00" EAST 50.00 FEET; THENCE SOUTH 00°00'00" EAST 203.16 FEET; THENCE SOUTH 00°00'00" WEST 50.00 FEET; THENCE NORTH 00°00'00" WEST 13.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.23 ACRES MORE OR LESS AND SUBJECT TO RIGHT OF WAY, EASEMENTS, RESTRICTIONS,

RESERVATIONS, RIGHTS OF WAY, LEASES AND AGREEMENTS OF RECORD, IF

L)	EGEND	
DESCRIPTION	EXISTING	PROPOSE
STORM/SEWER	MANHOLE C.B.	MANHOLE C.B.
SANITARY/COMBINED/SEWER	MANHOLE	MANHOLE 12"s——12"c
WATER LINE	GATE VALVE 42" W → S	42"GATE VALVE
UTILITY POLE/POWER LINE	—————————————————————————————————————	O.H.WO.H.W.
UTILITY POLE W/GUY WIRE	)——ан. <del>ш</del> ан.ш	)—————————————————————————————————————
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CONCRETE PAVEMENT	TO SERVICE SERVICE	Traper Vinition in
SILT FENCE		-0-0-0-0
FENCE	_ x x	_ x x
LOT IDENTIFICATION NO.	LOT 178	LOT 178
PARCEL IDENTIFICATION NO.	11-30-277-078	11-30-277-078
FIRST FLOOR ELEVATION	FF=987.7	PROP. FF=987.7
BASEMENT FLOOR ELEV.	BF=987.7	PROP. BF=987.7
GARAGE FLOOR ELEVATION	GF=987.7	PROP. GF=987.7
SPOT ELEVATION	+ 803.42	+ 803.42
CONTOUR LINE	980	980
FINISHED GRADE ELEV.	987.7FG	987.7FG
TOP OF WALK ELEV.	987.7TW	987.7TW
GUTTER ELEVATION	987.7GU	987.7GU
TOP OF CURB ELEVATION	987.7TC	987.7TC
BRICK LEDGE ELEVATION	987.7BL	987.7BL
TOP OF WALL ELEVATION	987.7TW	987.7TW
BOTTOM OF WALL ELEV.	987.7BW	987.7BW
SURFACE DRAINAGE FLOW		<b>—</b> ▶
EVERGREEN TREE	2,000 A	
DECIDUOUS TREE		
LIGHT BOULLARD	*	
LIGHT POLE	B	
HEDGE	of when the	
IRON FOUND		
MONUMENT FOUND		
RECORDED	R.	
MEASURED	М.	

BENCH MARK-NAVD 88 DATUM THE BENCHMARK DESCRIPTIONS, ELEVATIONS, AND LABELS CONTAINED ON THIS LIST IS SUBJECT TO CHANGE, WITHOUT PRIOR NOTICE AT ANY TIME DUE TO ONGOING CONSTRUCTION AND MAINTENANCE PROJECTS THROUGHOUT BREDWONTSTOWN NOWWNSHIPS STIRENGSTRONGLY ADVISED TO FIELD MEASURE THE ELEVATION DIFFERENCE BETWEEN A MINIMUM OF TWO BENCHMARKS TO VERIFY A BENCHMARK ELEVATION BEFORE USE ON THIS PROJECT. SITTEY BUT #NOVI BM #1711

SITTSIBM #2M #1

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CENSTER AUTOMACCISSES AND ST OF OUT INFRORMENTOF ONE CHARROW OUT AUDIENS OR. S. OF PROPERTY.

BUILDON TORMAD BRID. 935 WEST OF SIDEWALK. ELEVATION 9799882.95 SITE BM#2
TOP OF METAL KEY OF SAN 6" C.O. LOCATED
40' N. OF B/CURB AND 27' W. OF SOUTH
ONE WAY EXIST DRIVE
ELEVATION = 979.89

LOOD MAP DETERMINATION FEMA ISSUED MAPS MAP ITEM IDENTIFICATION:260125C0608 MAP ISSUED DATE: SEP. 29, 2006 ZONE "X": AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% FLOODPLAIN.

THE LOCATION OF UNDERGROUND
UTILITIES AS SHOWN ON THIS DRAWING
ARE DERIVED FROM MUNICIPAL
OFFICIALS AND RECORDS OF UTILITY
COMPANIES AND NO GUARANTEE CAN BE MADE TO THE COMPLETENESS OR EXACTNESS OF LOCATION.

ZONING REQUIREMENTS ZONING: B-3 LOCAL BUSINESS

SET BACKS MINIMUM: FRONT SETBACK: 30 FEET (BUILDING) 20 FEET (PARKING) 20 FEET (BUILDING) 10 FEET (PARKING) REAR SETBACK: SIDE YARD SETBACK: 15 FEET (BUILDING) 10 FEET (PARKING)

> SOIL TYPES (GEOTECHNICAL REPORT) SANDY CLAY/SILT AND SILTY SAND

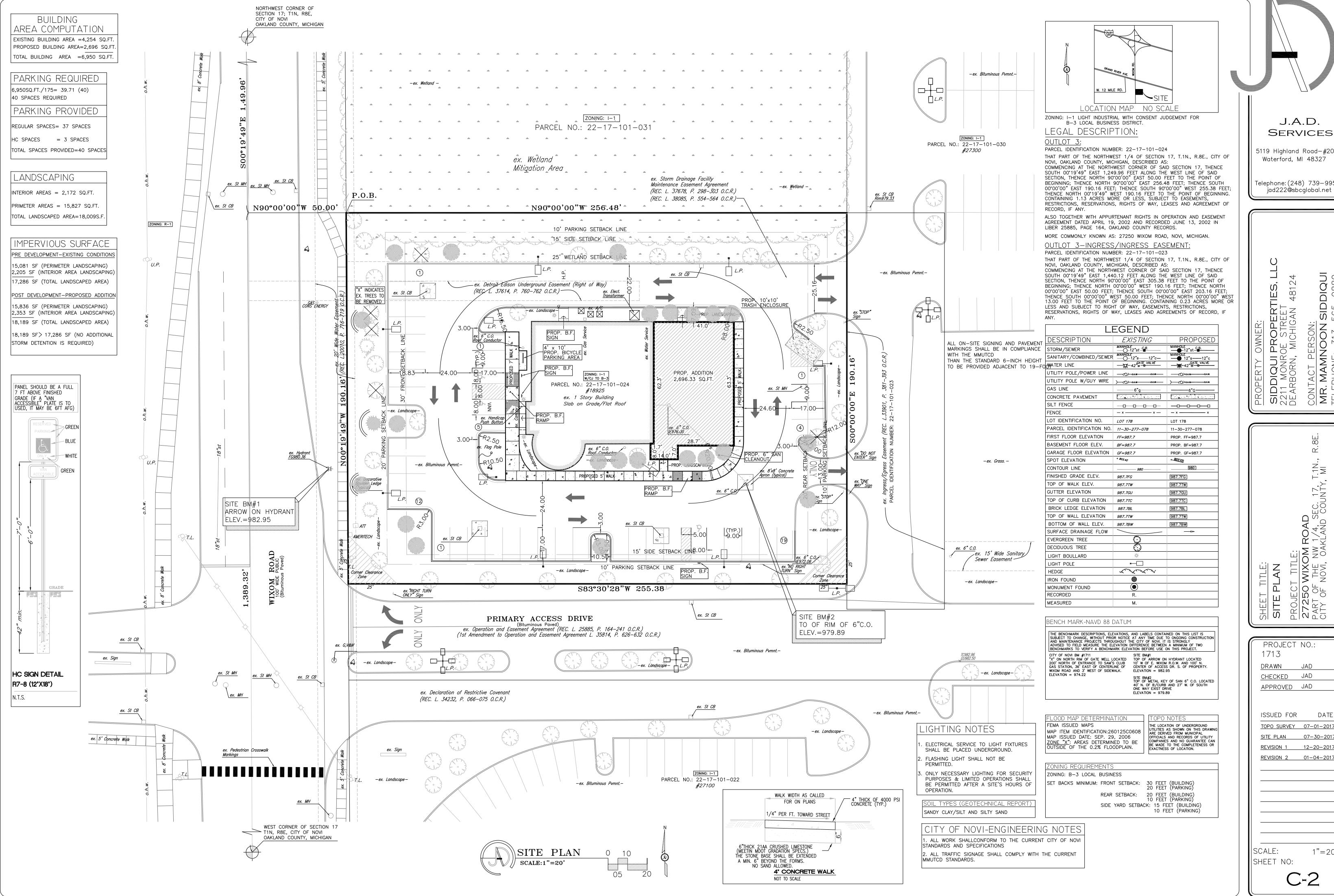
J.A.D. SERVICES

5119 Highland Road-#201 Waterford, MI 48327

Telephone: (248) 739-9955 jad222@sbcglobal.net

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PROJECT NO .: DRAWN CHECKED JAD APPROVED JAD ISSUED FOR DATE TOPO SURVEY 07-01-2017 SITE PLAN 07-30-2017 REVISION 1 12-20-2017 REVISION 2 01-04-2017



J.A.D.

5119 Highland Road-#201 Waterford, MI 48327

Telephone: (248) 739-9955

jad222@sbcglobal.net

PROJECT NO .: CHECKED JAD APPROVED JAD DATE TOPO SURVEY 07-01-2017 SITE PLAN 07-30-2017 REVISION 1 12-20-2017 REVISION 2 01-04-2017

